

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

WENDY R. SMOOT-LEE

Plaintiff,
vs.

CORIZON HEALTH, INC., a Delaware
Corporation, and SHENA DANIELLE
BURTON,

Defendants.

Civil Action No.:

2016 MAY 16 PM 3:20
CLERK OF SUPERIOR COURT
CHATHAM COUNTY, GA

COMPLAINT

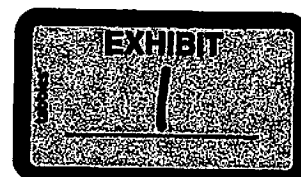
COMES NOW WENDY RENARTA SMOOT-LEE, by and through counsel, and files this, her Complaint, against Corizon Health, Inc., a Delaware corporation, and Shena Danielle Burton, a resident of Georgia, ("Defendants") respectfully showing the Court the following:

INTRODUCTION

JURISDICTION AND VENUE

1.
Jurisdiction is appropriate in the State Court of Chatham County because the matters in controversy arise under the laws of the State of Georgia.

2.
Venue is proper in Chatham County because it is the county and judicial district in which Defendants do business, and it is the county and judicial district in which a substantial part of the events or omissions giving rise to Deputy Smoot-Lee's claim occurred.



PARTIES

3.

Plaintiff Wendy Smoot-Lee, was at all relevant times a resident of the State of Georgia, and of Chatham County. Smoot-Lee was employed as a Deputy Sheriff at the Chatham County Detention Center, from October 1, 2001 through May 30, 2014.

4.

Defendant Corizon Health, Inc. is a Delaware entity, that contracted with Sheriff St. Lawrence to provide physical and mental health care, screening, assessment, treatment, and attention to those detained at the CCDC.

5.

Defendant Shena Danielle Burton, is a resident of the State of Georgia and of Chatham County.

FACTUAL ALLEGATIONS

6.

Defendant Corizon had a duty, as delegated by Sheriff St. Lawrence, and pursuant to O.C.G.A. § 42-4-4, to provide medical, mental health, and dental care to the inmates of the Chatham County Detention Center.

7.

On, or about, March 16, 2014, Shena Danielle Burton was arrested and booked into Chatham County Detention Center.

8.

As part of the admission process, a medical screening was completed on inmate Burton, who disclosed that she was suffering from one or more psychiatric disorders that required medication.

9.

Upon information and belief, inmate Burton attacked another Deputy during the booking process.

10.

Shortly after inmate Burton was booked, APRN Betty Riner, conducted a routine physical assessment of inmate Burton, and notated in the chart that Burton needed further psychiatric evaluation.

11.

Between the time of Burton's admission into CCDC and May 27, 2014, Riner repeatedly requested that inmate Burton receive mental health treatment.

12.

As a result of Riner's actions, Defendants were on notice of inmate Burton's likely aggressive behavior should she not receive treatment.

13.

On, or about May 27, 2014, inmate Burton, without warning or provocation, became extremely violent and aggressive and attacked Deputy Sheriff Smoot-Lee while Deputy Smoot-Lee was escorting inmate Burton throughout CCDC.

14.

As a result of this violent attack, Deputy Smoot-Lee sustained severe and permanent injuries.

15.

The Plaintiff neither had a doctor/patient relationship, nor was in privity with either Defendant.

COUNT I—Negligence Against Corizon Health, Inc.

16.

Plaintiff hereby adopts, realleges, and reaffirms each and every allegation contained in paragraphs 1 through 15 of this Complaint as though fully alleged herein and further alleges:

17.

Defendant Corizon had both a contractual and statutory duty to provide medical/mental health care and treatment to inmates of the Chatham County Detention Center, including inmate Burton.

18.

Defendant Corizon negligently breached this duty by failing to timely and properly treat inmate Burton's psychiatric disorder.

19.

Defendant Corizon knew, or with the exercise of reasonable care should have known of inmate Burton's psychiatric disorder and propensity for violent/aggressive behavior should she fail to receive her medications.

20.

Defendant Corizon's failure to properly care and treat inmate Burton created a dangerous and unsafe environment wherein it was reasonably foreseeable that injury would occur.

21.

As a direct and proximate result of Defendant's negligence, Plaintiff suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earnings, loss of ability to earn money. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

COUNT II—Assault and Battery Against Defendant Burton

22.

Plaintiff hereby adopts, realleges, and reaffirms each and every allegation contained in paragraphs 1 through 22 of this Complaint as though fully alleged herein and further alleges:

23.

Defendant Burton intended to cause and did cause a harmful contact with Plaintiff's person.

24.

Plaintiff did not consent to Defendant Burton's act.

25.

As a direct and proximate result of defendant's conduct plaintiff suffered significant bodily injuries. Plaintiff has also suffered extreme mental anguish and physical pain. Upon information and belief, plaintiff has suffered a partial permanent disability. These injuries have caused plaintiff to suffer general damages in an amount to be determined by proof at trial.

26.

As a direct and proximate result of Defendant Burton's conduct, plaintiff was required to obtain medical services and treatment in an amount to be determined by proof at trial. Plaintiff will, in the future, be compelled to incur additional obligations for medical treatment in an amount to be determined by proof at trial.

27.

Defendant's act was done knowingly, willfully, and with malicious intent, and plaintiff is entitled to punitive damages in an amount to be determined by proof at trial.

28.

In the alternative, Defendant Burton intended to cause and did cause plaintiff to suffer apprehension of an immediate harmful contact.

PRAYER FOR RELIEF

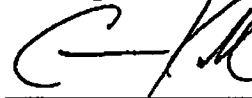
WHEREFORE Plaintiff prays and demands that this Court:

- 1) allow Plaintiff a TRIAL BY JURY;
- 2) grant judgment to Plaintiff against Defendant in the amount of actual damages proved, including pain and suffering;
- 3) grant judgment to Plaintiff against Defendant for punitive damages and the expenses of litigation, including reasonable attorney's fees; and,
- 4) award Plaintiff any other appropriate and necessary relief.

RESPECTFULLY SUBMITTED, this 16th day of May, 2016



WILLIAM R. CLAIBORNE
Georgia Bar Number: 126363



CAMERON C. KUHLMAN
Georgia Bar Number: 596159
Attorneys for Plaintiff

THE CLAIBORNE FIRM, P.C.
410 East Bay Street
Savannah, Georgia 31401
(912) 236-9559 Telephone
(912) 236-1884 Facsimile
will@claibornefirm.com
cameron@claibornefirm.com

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

WENDY R. SMOOT-LEE,)
) Civil Action No.: CV16-00723
Plaintiff,)
)
vs.)
)
CORIZON HEALTH, INC., et al.)
)
Defendants.)

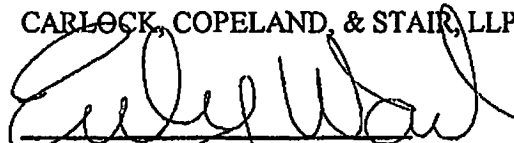
CERTIFICATE OF SERVICE

I certify that I have provided a true and accurate copy of the foregoing Acknowledgment of Service, to counsel for all parties by mailing a true and accurate copy of the same via First-class U.S. Mail, proper postage prepaid and addressed to:

William R. Claiborne Cameron C. Kuhlman THE CLAIBORNE FIRM, P.C. 410 E. Bay St. Savannah, GA 31401 will@claibornefirm.com cameron@claibornefirm.com		
--	--	--

THIS 2nd day of June 2016.

CARLOCK, COPELAND, & STAIR, LLP



EMILY C. WARD

Georgia Bar Number: 500999

Attorney for Defendant Corizon